

Entered -11/08/99 - sb
CL99L0700 - DIANNE C. MITCHELL

CLAIM OF: DESDOMONA WOODRUFF,
through her attorney
Thomas F. Cuffie
3080 Campbellton Road, SW
Atlanta, Georgia 30311-5410

For damages alleged to have been sustained as a result of the
drowning death of claimant's minor child on June 19, 1999 at 1835
Henry Thomas Drive.

THIS ADVERSED REPORT IS APPROVED

BY: Rosalind Rubens Newell by RNC/DCA
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 99L0700

Date: November 13, 2000

Claimant /Victim DESDEMONA WOODRUFF
BY: (Atty) Thomas F. Cuffie
Address: 3080 Campbellton Road, SW, Atlanta, Georgia 30311-5410
Subrogation: Claim for Property damage \$ Bodily Injury \$ not stated
Date of Notice: 10/22/99 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 06/19/99 Place: 1835 Henry Thomas Drive
Department PRCA Division: Recreation
Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges that her minor child drowned while at the Thomasville Pool. The investigation determined that there was no negligence on the part of the City in causing the death of the claimant's child. Furthermore, the City is immune from liability as set forth in O.C.G.A. §36-33-1.

INVESTIGATION:

Statements: City employee X Claimant Others X Written Oral X
Pictures Diagrams Reports: Police X Dept Report X Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months Other X Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager: Dianne C. Mitchell Concur/date 11-14-00
Committee Action: Council Action

CUFFIE & ASSOCIATES, P.C.

ATTORNEYS AT LAW

3080 CAMPBELLTON ROAD, S.W.
ATLANTA, GEORGIA 30311-5410
TELEPHONE 404-344-4242
FAX 404-349-4229

Mitchell
10/26/99
RECEIVED

OCT 22

October 21, 1999

CERTIFIED MAIL P 154 564 290

ENTERED - 11-8-99 - SB
99L0700 - DIANNE MITCHELL

The Mayor and Atlanta City Council Members
c/o Ms. Rhonda Johnson, Municipal Clerk
55 Trinity Avenue
Atlanta, Georgia 30335

Re: Ante Litem Notice for the June 19, 1999 Drowning of Daniquia Woodruff

Dear Mayor Campbell and Members of the Atlanta City Council:

Pursuant to O.C.G.A. § 36-33-5, please allow this letter to serve as formal ante litem notice that Ms. Desdemona Woodruff is hereby asserting a claim against the City of Atlanta, and certain officials, for the injury/wrongful death of her eight (8) year old daughter, Daniquia Woodruff. On June 19, 1999, at approximately 5:45 p.m., Daniquia died by drowning at the City of Atlanta South Bend Pool, located at 2000 Lakewood Avenue within the City of Atlanta - a public pool owned, maintained, and under the control of the City of Atlanta. The law firm of Cuffie & Associates, P.C., has been retained to represent Ms. Woodruff.

The injury/death of Daniquia Woodruff was caused by the conditions at the South Bend pool amounting to a nuisance; by the negligent actions of employees of the Department of Parks and Recreation; and by the negligence of various officials of the City of Atlanta, who allowed such nuisance to exist. The lack of clarity of water in the pool, the lack of training for those personnel entrusted with the safety of swimmers, and the noise generated by pool equipment, or infrastructure, were among the conditions responsible for the drowning of this child.

This notice is given in accordance with O.C.G.A. § 36-33-5. By statute, you have 30 days to address this matter before a suit may be filed. Please let us know the posture you wish to take.

Very truly yours,

CUFFIE & ASSOCIATES, P.C.


Thomas F. Cuffie, Esq.

cc: Ms. Desdemona Woodruff
Atlanta City Council Members (16)

00-R-1929